

REMARKS

Claims 1-17 and 31-33 remain in the application. Claims 18-30 were previously canceled.

In the Office Action, claims 1, 5, 6, 8-12, 15, 16 and 31-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Frantzen, et al. (U.S. Patent No. 5,843,164) in view of Andersen, et al. (5,840,081). Claims 2-4, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frantzen, et al. in view of Andersen, et al., further in view of Flomenbilt, et al. (5,876,434). Claims 7 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frantzen, et al. in view of Andersen, et al., further in view of Wilson, et al. (U.S. Patent No. 5,876,434).

The courtesy extended by Examiner Ann Schillinger during the telephone conversation of May 15, 2009 with the undersigned is acknowledged with appreciation. During the telephone conversation, it was pointed out by the undersigned that the Frantzen reference discloses a stent designed to prevent recoil. As stated for example in column 6, lines 51-54 of Frantzen, "The in-phase cylindrical ring patterns further are thought to reduce the likelihood that the stent or any portion of it will recoil, or collapse back to its starting diameter after deployment. Another example is in column 7, lines 44 where Frantzen describes how the stent "provides uniform expansion and is very stable and resistant of collapse." In contrast, the claimed invention provides a device designed to contract from its expanded position.

More specifically, Frantzen does not disclose or suggest inter alia vessel engaging members pulling the internal wall of the vessel radially inwardly upon movement of the device from the second expanded position toward a first expanded position having a third diameter which is greater than the first diameter (collapsed position) and less than the second diameter (expanded position) as recited in claim 1. Similarly, Frantzen does not disclose or suggest inter alia a vascular device mounted over the expandable balloon having a first expanded position and a second expanded position with the vascular device expandable to the second expanded position to cause engagement of the vessel walls and returnable substantially to the first position to bring the walls radially inwardly as the walls are pulled inwardly by the vascular device as recited in claim 12. In fact, Frantzen teaches away from such structure recited in claims 1 and 12.

Anderson does not satisfy the deficiencies of Frantzen. Therefore, even assuming arguendo that these references were combined as the Examiner suggests, the recitations of independent claims 1 and 12 would still not be met. Therefore, withdrawal of the rejection of claims 1 and 12 is respectfully requested.

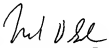
Claims 2-11, 13-17 and 31-33 depend either directly or indirectly from independent claims 1 or 12 and are therefore believed patentable for at least the same reasons as claims 1 and 12 are believed patentable. Additionally, neither Flonenbilt nor Wilson satisfies the deficiencies of Frantzen.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

No additional fee is believed to be required for this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to Deposit Account No. **501567**. In the event any extensions of time are required with this Amendment, please treat this paper as a petition for such extension. The Commissioner is hereby authorized charge the required extension fee pursuant to 37 C.F.R. §1.17, to Deposit Account No. **501567**.

Respectfully submitted,

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By: 
Neil D. Gershon
Reg. No. 32,225
Attorney for Applicant

Neil D. Gershon
1011 High Ridge Road
Stamford, CT 06905
(203) 329-0289